IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

L.P.A. No. 221 of 2007
Date of Decision: 20.12.2007

Superintending Engineer, U.B.D.C. Circle, Amritsar and another.

..... Appellants through
Ms.Reeta Kohli, Additional
Advocate General, Punjab.

Versus

Sucha Singh and another.

..... None for Respondents.

CORAM: HON'BLE MR. JUSTICE VIJENDER JAIN,
CHIEF JUSTICE
HON'BLE MR.JUSTICE MAHESH GROVER

....

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

....

VIJENDER JAIN, CHIEF JUSTICE

C.M.No.909 of 2007

For the reasons stated therein, the application is accepted and delay of 41 days in the filing of the appeal is condoned.

L.P.A.No.221 of 2007

The present appeal under Clause X of the Letters Patent is directed against judgment dated 13.12.2006 passed by the learned Single Judge in C.W.P.No.13803 of 2003.

While assailing the aforesaid judgment, the learned counsel for the appellants contended that no effective opportunity was granted to the appellants even before the Labour Court to adduce proper evidence to show

that respondent no.1 was not a workman as he had not completed the requisite period of 240 days in one calender year.

We are afraid, that it is too late in the day to consider such a prayer made by the appellants. In any case, if the appellants were aggrieved of any order or proceedings of the Labour Court resulting in lack of proper opportunity to them, then they ought to have agitated the matter at that point of time. Besides, it has been noticed by the learned Single Judge on the basis of the record which was before the Labour Court that respondent no.1 had worked from 30.7.1996 to 30.9.1997 continuously, i.e., for more than 240 days.

We do not wish to go into this question while exercising our jurisdiction as Letters Patent Bench, more so when no illegality or infirmity has been brought to our notice.

Accordingly, the appeal, being without any merit, is dismissed.

(Vijender Jain)
Chief Justice

December 20,2007
"SCM"

(Mahesh Grover)
Judge